

**ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON TRIBAL AFFAIRS**

March 4, 2021

8:02 a.m.

MEMBERS PRESENT

Representative Tiffany Zulkosky, Chair
Representative Dan Ortiz
Representative Zack Fields
Representative Geran Tarr
Representative Mike Cronk

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

PRESENTATION: LAYERS OF GOVERNANCE

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

FRAN HOUSTON
Tribal Spokesperson
Auk Kwaan
Juneau, Alaska

POSITION STATEMENT: Welcomed committee to Native tribal lands before the presentation on Layers of Governance.

RICHARD PETERSON
President
Central Council Tlingit & Haida Indian Tribes of Alaska
Juneau, Alaska

POSITION STATEMENT: Offered introductory remarks ahead of the presentation on Layers of Governance.

BARBARA BLAKE
Director
Alaska Native Policy Center
Juneau, Alaska

POSITION STATEMENT: Presented a PowerPoint and answered questions during the presentation on Layers of Governance.

LIZ MEDICINE CROW
President/CEO
First Alaskans Institute
Kake, Alaska

POSITION STATEMENT: Presented a PowerPoint and answered questions during the presentation on Layers of Governance.

ACTION NARRATIVE

[8:02:46 AM](#)

CHAIR TIFFANY ZULKOSKY called the House Special Committee on Tribal Affairs meeting to order at 8:02 a.m. Representatives Ortiz, Cronk, Tarr and Zulkosky were present at the call to order. Representative Fields arrived as the meeting was in progress.

PRESENTATION: Layers of Governance

[8:03:42 AM](#)

CHAIR ZULKOSKY announced that the only order of business would be a presentation on layers of governance.

[8:04:05 AM](#)

FRAN HOUSTON, Tribal Spokesperson, Auk Kwaan, Big Dipper House, welcomed committee to Native tribal lands.

[8:06:54 AM](#)

RICHARD PETERSON, President, Central Council Tlingit & Haida Indian Tribes of Alaska, pointed out the irony in still asking for tribal recognition when it was so central to the everyday lives of Native Alaskans. There were 229 federally recognized tribes in Alaska, he stated, making up half the number of tribes in the US, and which were still struggling to gain recognition in Alaska. "Healthy tribes make healthy communities," Mr. Peterson offered, stating this has been proven by way of top-tier health care and education systems, as well as critical infrastructure, especially for rural Alaska.

[8:10:30 AM](#)

BARBARA BLAKE, Director, Alaska Native Policy Center, began a presentation on layers of governance in Alaska Native Communities. She mentioned schools often fail to teach to the complexity of the system and "everyone who leads all the way up."

[8:13:58 AM](#)

LIZ MEDICINE CROW, President/CEO, First Alaskans Institute, thanked legislature for the existence of the House Special Committee on Tribal Affairs.

[8:15:53 AM](#)

A video was shown from 8:15:53 a.m. to 8:16:49 a.m.

[8:17:25 AM](#)

MS. BLAKE explained the video exemplified the way in which decision making without the input of Alaska Native communities could be unforeseen.

MS. MEDICINE CROW said policy makers needed to be especially aware of unconscious bias when making decisions that affected Native people and whole communities. She added sometimes not only challenges, but opportunities, were missed.

[8:20:12 AM](#)

MS. BLAKE shared stewardship by Native people went back 10K+ years, and the notion of Native "geographic intelligence" related to names being tied to descriptions of places. Earthquake Park in Anchorage translated to "ground not to be built upon," she gave as an example. Maybe Anchorage was not the best place to set up camp, she added, since it was just a filled-in swamp. The names gave warnings about location, but also created history and legacy, and described the abundance of a place. There were over 20 distinct cultures within Alaska tribes, and it was important to be aware of the differences in both cultures and linguistic groups, she imparted.

[8:24:08 AM](#)

MS. MEDICINE CROW added people born in Alaska were responding to their own unique places. It is a strength for the state to be able to tap into that diversity, she said.

MS. BLAKE imparted the three sovereigns delineated as tribes, state, and federal did not work against each other, but rather created three times the opportunities to help communities "get everything right." Each sovereign provided services which were complementary to the others, she said. She pointed out each of the 229 tribes in Alaska was a distinct nation unto itself, and the inherent sovereignty of tribes, and tribes' ability to govern themselves, existed prior to contact.

[8:29:55 AM](#)

MS. MEDICINE CROW pointed out tribes in Alaska were not "over half" of all tribes in the US, but almost half.

MS. BLAKE mentioned the notion of "implicit bias," and that knowledge systems encountered by children dated back generations. In a similar way, value systems were "pooled" when it was time to lead. In Alaska, connections to hunting, fishing, and gathering were not severed as happened to some Native peoples in the Lower 48, she mentioned. The connection to the land is the same as it was to Native Alaskan ancestors seven generations prior, she said; value systems were carried forward into today's context.

[8:33:03 AM](#)

MS. MEDICINE CROW mentioned so much more could be known about a place if the Native names were used, because the "generational wingspan" of indigenous knowledge would exist therein.

MS. BLAKE showed slide 9 from the Alaska Native Knowledge Network, a breakdown of the 20-plus distinct cultural groups and languages which comprised the Native peoples of Alaska, especially emphasizing the contributions of the Tlingit and Athabascan nations.

[8:39:43 AM](#)

MS. MEDICINE CROW added there was always an opportunity to support reclamation of Alaska Native languages, not only because of the vast learning systems which would be uncoded in the process, but also because of the enrichment that could take place. In the 2020 census, Alaska also had the most voting-age Natives in the US, she imparted.

[8:42:13 AM](#)

REPRESENTATIVE FIELDS asked for more information about how understanding in different languages brought about greater understanding in general.

MS. BLAKE compared it to how travel helped one see things from a different perspective and allowed one the chance to come home with different ideas about how to operate in one's own country. An example of a linguistic opportunity would be how a place name described not just one person or one aspect, but something about a place that could be instructive: "the place dangerous for boating," or "the place with an abundance of salmon/cockles," she offered. The titles gave exact references to the world around people, she stated, and gave clues to what people could expect when visiting that place. Connecting to a history of what happened in a location was important as well, she added.

MS. MEDICINE CROW said she was in the process of learning both of her languages, a process which has helped her understand more about certain issues, she said. Changing "I love you" with its emphasis on the way the speaker feels, to "You are loved," with its emphasis on the speaker, provided another way of thinking, she provided.

MS. BLAKE added "mother" meant "your mother's sisters," as the person known as an aunt also provided for a person as their own mother would. Likewise, there was no word for "cousin," only "brother" and "sister."

REPRESENTATIVE FIELDS said the variability to see things in another way could stand to help all people, whether they learned Alaska Native languages or not.

[8:50:09 AM](#)

MS. BLAKE pointed out the 229 recognized tribes in Alaska existing as government entities were recognized before there was ever any one body governing the state; the tribes had a governance of their own. Alaska Native people were protected as people of color, but also by the federal government in terms of political status, she stated.

MS. MEDICINE CROW added the distinction between the rights afforded to Native peoples ought to be taught in schools but was too often not, and therefore assumptions were made that everything about Native people "was about race," when it was the political status that was critical for understanding.

8:54:35 AM

CHAIR ZULKOSKY asked presenters to speak to the opportunity for an improved relationship between the state of Alaska and federally recognized tribes therein.

MS. MEDICINE CROW replied that Russia didn't have the right to sell Alaska, and yet in the Treaty of Session the US agreed to treat Native Alaskans with the same set of rights as Native people down south. Part of the daily practice of the US was to make agreements with tribes; this was rolled into the Constitution and recognized by Congress. Native peoples' rights are inherent; rights were not granted to Native peoples by the US but recognized by the US so there may exist a government-to-government relationship.

9:01:57 AM

MS. BLAKE stated three ways to strengthen government-to-government relationship were through consultation, a "beautiful opportunity to limit the number of times" tribes must appear in court regarding a decision, as the state of Alaska has sued Native people more often than any other state in the US, and is consistently challenging rights of tribes; through compacting, an agreement entered into with the state regarding child welfare, and in which two or more people contract, but in which the tribe is viewed as a sovereign nation ("How you get there, we recognize you know best," says the government in this instance); and through contracting. Tribal healthcare in Alaska is a beautiful example of compacting, she related anecdotally.

9:08:04 AM

MS. MEDICINE CROW added the COVID-19 vaccine rollout, in which Alaska is setting precedent in our country, is a great example of Tribal healthcare at work. A critical value of Native cultures is to care for the entire community, she added, and this is exemplified with the vaccine rollout.

9:10:06 AM

REPRESENTATIVE FIELDS imparted several years ago Indian Law and Order Commission had identified tribal compacting as a barrier to public safety, specifically saying when tribal sovereignty was not recognized, domestic violence perpetrators were not brought to justice. The state both failed to provide public safety resources in rural communities and at the same time

failed to recognize communities' own ability to bring perpetrators to justice. He asked for an elaboration vis a vis compacting on this failure to bring down to unacceptably high rates of domestic violence and sexual assault.

MS. BLAKE replied folks were oftentimes reluctant to move into communities, but the Native concept of care for the area and the people who live there was deeply rooted. Limitations were recognized, but the components of compacting already existed so base line was already high in terms of care. Sometimes it was better to view from a local standpoint rather than a far-away, paternalistic, standpoint, she added.

[9:14:23 AM](#)

MS. MEDICINE CROW said when the state failed to create a "formal, friendly, and forever" relationships with Alaskan tribes, the state failed to govern. In Public Law 280 (PL 280), funding that ought to go to tribes went to the state and tribes didn't see any benefit, she offered as an example. Someone taking a moose out of season was noticed more than domestic violence, she stated. She asked what was in the way of the state seeing tribes as true partners, because the state continued to fail tribes in terms of recognition and compacting.

[9:17:52 AM](#)

MS. BLAKE referenced slide 13, "Types of Alaska Native Organizations," which lists the following: 229 Tribal governments; 12 Alaska Native Claims Settlement Act (ANCSA) regional corporations; ~195 ANCSA village corporations; 12 regional Native non-profit associations/consortiums; seven statewide Native non-profit organizations; ~50 cultural and heritage centers/museums; five marine mammal commissions; one Alaska Native bird co-management council; and one Indian reservation (Metlakatla). She pointed out that corporations and tribes collaborated but where they got their authority was different as tribes' authority pre-dated the constitution and corporations were distinctly different, run by the state of Alaska. She offered as an example the 20+ drastically different linguistic groups operating independently in terms of tribal systems that existed within Sealaska Heritage Institute.

MS. MEDICINE CROW added while Native corporations were created within state law, and paid taxes to the state of Alaska, they were constructs of federal law still being shaped, and as constructs they still had components of federal law binding,

meaning not all pieces of legislation had been implemented. One issue was the landless issue; another was the blood quantum requirement, she stated.

[9:22:38 AM](#)

MS. BLAKE restated though tribes were autonomous and independent, they were also a part of a greater community, and as such village corporations and regional corporations had fundamental relationships with each one another. She mentioned ANCSA corporations 70% sharing of revenue sharing split among regional corporations and consequent of this revenue to villages.

MS. MEDICINE CROW imparted it was important to understand ANCSA's profit sharing when it came to natural resource development.

[9:27:33 AM](#)

MS. BLAKE referenced slide 17 on PL 280, which gave the state of Alaska the right to exercise federal authority concurrently with tribes over some aspects of criminal and civil jurisdiction. Alaska had one reservation in Metlakatla, but for the rest of the state there was no reservation system, she stated. In states with reservation systems in place, the tribe had sole jurisdiction on the reservation, she imparted, and the state would have jurisdiction outside of the reservation system. In Alaska there was an unwillingness by state to recognize tribes' concurrent jurisdiction, which led to frequent litigation. Successful compacting would lead to acknowledgement of current jurisdiction in communities, she added.

MS. MEDICINE CROW stated funding going through a jurisdiction which did not provide services was an inhibitor for tribes to grow dynamic systems.

[9:31:41 AM](#)

REPRESENTATIVE FIELDS referenced an Alaska Daily News article in which challenging tribal sovereignty was litigating on the side of an abuser, which was heinous and needed to stop.

MS. MEDICINE CROW said this was what could happen when there was no true partnership, and tribes had to bear the burden of inequitable public safety in communities resulting in disparate harm on Native peoples.

MS. BLAKE added the state of Alaska lost most cases which ended up in court, so unnecessary litigation may be a good place to start when looking for budgetary reduction.

[9:37:27 AM](#)

MS. BLAKE went over Alaska law enforcement: Alaska State Troopers, Village/Tribal Police Officers operating through sovereign tribes, which was a pilot program under Senator Lisa Murkowski, and Village Public Safety Officers operated by the state of Alaska in partnership with one of the villages or tribes.

MS. MEDICINE CROW said law enforcement was an example of contracting, and hands were tied. She urged the committee to look at law enforcement from a compacting point of view, as the health system has flourished, to law enforcement, in which control was struggled over.

MS. BLAKE referenced ties to land which dated back 10K+ years on "Our Ways of Life" slide. The opportunity to connect with the land has never been broken, she stated. Native ways of life are being chipped away, she stated, but the Native way was to care for future generations.

MS. MEDICINE CROW clarified that Native "ways of life" was not merely a lifestyle, but a knowing, being, sharing, and doing; a comprehensive way of being and an emotional, spiritual, and educational process. The strangling of Native ways cannot be culturally appropriated, but culturally appreciated, she added. People can be taught to appreciate and be grateful, she stated. Learning to look from a "governing idea of abundance" point of view would shift the whole paradigm, she stated, but people are not there yet; there was a lot to learn from Native ways of life, she said, which was very important to consider from a policy standpoint.

[9:47:30 AM](#)

MS. BLAKE emphasized solutions and possibilities for all Alaskans: utilization of self-determination/self-governance, federal/state/tribal governments partnering; and the reimagining of solutions with tribes at the table.

[9:50:05 AM](#)

CHAIR ZULKOSKY reemphasized the rollout of COVID-19 vaccinations in Alaska. With tribal health organizations at the helm, all Alaskans of every background were able to be vaccinated as an example of how the acknowledgement of self-governance and ingenuity of a people can work to the advantage of all. It's an example of what can be achieved, she stated.

MS. MEDICINE CROW mentioned there were incredible advocates for compacting in the state of Alaska and partnering in a government-to-government relationship with tribes could transform a story of failure to one of success, which would enhance the lives of all.

[9:56:42 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Tribal Affairs meeting was adjourned at 9:57 a.m.